UNITED
NATIONS

E

Economic and Social
Council

Distr.
GENERAL

E/CN.4/1996/SR.12
29 March 1996

Original: ENGLISH

COMMISSION ON HUMAN RIGHTS

Fifty-second session

SUMMARY RECORD OF THE 12th MEETING

Held at the Palais des Nations, Geneva,
on Tuesday, 26 March 1996, at 10 a.m.

Chairman:	Mr. VERGNE SABOIA	(Brazil)
later:	Mr. VASSYLENKO (Vice-Chairman)	(Ukraine)

CONTENTS

STATEMENT BY THE MINISTER FOR FOREIGN AFFAIRS OF PAKISTAN

STATEMENT BY THE MINISTER OF STATE FOR FOREIGN AND COMMONWEALTH AFFAIRS OF THE UNITED KINGDOM

This record is subject to correction.

Corrections should be submitted in one of the working languages. They should be set forth in a memorandum and also incorporated in a copy of the record. They should be sent within one week of the date of this document to the Official Records Editing Section, room E.4108, Palais des Nations, Geneva.

Any corrections to the records of the public meetings of the Commission at this session will be consolidated in a single corrigendum, to be issued shortly after the end of the session.

GE.96-11896 (E)

CONTENTS (continued)

QUESTION OF THE REALIZATION IN ALL COUNTRIES OF THE ECONOMIC, SOCIAL AND CULTURAL RIGHTS CONTAINED IN THE UNIVERSAL DECLARATION OF HUMAN RIGHTS AND IN THE INTERNATIONAL CCVENANT ON ECONOMIC, SOCIAL AND CULTURAL RIGHTS, AND STUDY OF SPECIAL PROBLEMS WHICH THE DEVELOPING COUNTRIES FACE IN THEIR EFFORTS TO ACHIEVE THESE HUMAN RIGHTS, INCLUDING:

(a) PROBLEMS RELATED TO THE RIGHT TO ENJOY AN ADEQUATE STANDARD OF LIVING; FOREIGN DEBT, ECONOMIC ADJUSTMENT POLICIES AND THEIR EFFECTS ON THE FULL ENJOYMENT OF HUMAN RIGHTS AND, IN PARTICULAR, ON THE IMPLEMENTATION OF THE DECLARATION ON THE RIGHT TO DEVELOPMENT;

(b) THE EFFECTS OF THE EXISTING UNJUST INTERNATIONAL ECONOMIC ORDER ON THE ECONOMIES OF THE DEVELOPING COUNTRIES, AND THE OBSTACLES THAT THIS REPRESENTS FOR THE IMPLEMENTATION OF HUMAN RIGHTS AND FUNDAMENTAL FREEDOMS (continued)

QUESTION OF THE REALIZATION OF THE RIGHT TO DEVELOPMENT (continued)

STATUS OF THE INTERNATIONAL COVENANTS ON HUMAN RIGHTS (continued)

EFFECTIVE FUNCTIONING OF BODIES ESTABLISHED PURSUANT TO UNITED NATIONS HUMAN RIGHTS INSTRUMENTS (continued)

ORGANIZATION OF THE WORK OF THE SESSION (continued)

The meeting was called to order at 10.10 a.m.

STATEMENT BY THE MINISTER FOR FOREIGN AFFAIRS OF PAKISTAN

1. Mr. ALI (Pakistan) said that the last 50 years had been a period of relative global peace, during which other tensions had been overshadowed by the battle between two major ideologies. It had also been a period of unprecedented economic growth and prosperity for the countries of Europe and eastern Asia and a time during which many peoples had exercised their right to self-determination and emerged from colonial rule.

2. The last decade of the twentieth century represented a new phase in history, characterized by the end of the cold war, the ascendancy of democracy and human rights, and the prevalence of free-market economies. Yet the world, far from reaping any peace dividends, had been consumed by internal and interregional conflicts and was, at the same time, less able than before to impose or reconstruct peace. Flagrant violations of human rights were still occurring, as a result of three main factors: suppression of the right to self-determination, poverty and the politics of scarcity, and the rise of new forces of hatred, intolerance and confrontation.

3. The end of the cold war had revived latent forces of nationalism. The simultaneous demands of so many peoples for self-determination appeared to threaten the very existence of multi-ethnic States, but the quest for self-determination had, in fact, been accommodated in imaginative and pragmatic ways in many parts of the world.

4. The people of Jammu and Kashmir had been among the first to have their claim to self-determination recognized by the United Nations but, 50 years later, they were still awaiting implementation of the legally binding agreements between India and Pakistan, as embodied in various Security Council resolutions. Nothing had occurred in the interim to nullify those agreements. As the 1995 report of the International Commission of Jurists had concluded, the right of the Kashmiris to self-determination was still valid and exercisable.

5. Kashmir had been transformed into a killing ground since Indian troops had fired upon peaceful demonstrators in January 1990. For six years, the Government of India had been vainly attempting to suppress the Kashmiri freedom struggle by brute force. After endeavouring to sow dissension amongst the Kashmiris, it was currently trying to use fraudulent elections to legitimize its occupation. Such elections had been declared unacceptable by the Security Council and in a recent study by the International Commission of Jurists. The All Parties Hurriyet Conference had rejected any such elections and the perpetration of such a transparent fraud would heighten rather than ease tensions within Indian-held Kashmir.

6. The Government of India must revise its course on Kashmir. It could not crush the will of the Kashmiri people or stop Pakistan from upholding Kashmiri rights and extending moral and political support to their just cause. Since war was not an option for either Pakistan or India, the two countries must undertake a genuine dialogue which could be promoted on the basis of the "non-papers" they had exchanged in early 1994, including one on the Kashmir

issue. To ensure the success of such a dialogue, the legitimate voice of the Kashmiri people must be heard and the international community must help them to commence and sustain that dialogue.

7. The most frightening thing about the tragedy of Bosnia and Herzegovina was that the world had done nothing for so long but adopt pious resolutions in the face of blatant aggression violating all the principles of international law. Pakistan had done what it could for the Bosnian people because it shared a common faith with them and because it abhorred aggression.

8. The Dayton Peace Accords must be implemented in the letter and in the spirit. The international community must not succumb to the temptation of exonerating war criminals and international mechanisms to punish and deter flagrant violations of human rights that occurred in the course of armed conflicts must be developed and strengthened. The best way to promote the observance of human rights was for the world community to muster the political will to resolve the underlying causes of such conflicts.

9. The top priority of the Commission must be to protect the most basic of human rights, the right to life. That meant stopping the daily slaughter wreaked by poverty, hunger, malnutrition and preventable disease. Poverty affected the right to freedom from hunger, to a life of dignity, to education, to gainful employment and to shelter.

10. While the right to development had finally been acknowledged, global political commitment in that respect was declining. Official development assistance (ODA) had shrunk and the development agencies of the United Nations were being starved of resources. Human rights issues were being used to build protectionist barriers against the exports of developing countries, thereby compounding the problems. Market forces, regardless of their social costs, were supposed to be the sole motor of development in both developed and developing countries. Developing countries were supposed to forge ahead with schemes such as structural adjustment programmes and acquire trade competitiveness while adhering to unrealistic labour, social and environmental standards, despite the fact that the markets of the rich countries were closed to their most competitive products. While there were patches of prosperity in the developing countries, absolute poverty was also growing and the world could simply not afford the chaos of a series of imploding States.

11. The Commission could give life and substance to the right to development. It should, first of all, appoint a special rapporteur with the mandate of reviewing the current economic and social policies of States in order to propose ways in which the right to development could be promoted universally and could, subsequently, consider the adoption of an international convention on the right to development, embodying a new global contract for the realization of universal prosperity within a specific time-frame.

12. A serious new challenge confronting the world community was the deliberate encouragement of confrontation on religious, ethnic, linguistic and other grounds. Terrorism had rightly been depicted as the scourge of modern times. While terrorism was abhorrent whatever the beliefs of its perpetrators, his delegation deeply resented the absurd habit in certain quarters of relating terrorist acts to Islam if the perpetrator happened to be

a Muslim. The Commission must speak out against such religious discrimination as well as against double standards and selectivity in the application of human rights norms. The East-West confrontation must not be replaced by a new North-South crusade.

STATEMENT BY THE MINISTER OF STATE FOR FOREIGN AND COMMONWEALTH AFFAIRS OF THE UNITED KINGDOM

13. Sir Nicholas BONSOR (United Kingdom) said that, as the international community marked the fiftieth anniversary of the Commission on Human Rights, it was time to take stock of what had been achieved over five decades and to identify the many challenges that still faced the world. The Universal Declaration of Human Rights had stood the test of time and remained the benchmark for the protection of human rights in all regions, societies and cultures. Over the years, the Commission had helped to develop some more specific human rights instruments to which the vast majority of United Nations Member States had voluntarily acceded.

14. However, while the universal ratification of those human rights treaties no longer seemed an unrealistic goal, there was a depressingly wide gulf between those commitments and the actions of many countries. The current task was to ensure that Governments lived up to their human rights commitments, which must not be permitted to remain empty promises.

15. At the same time, democratic Governments confronted serious challenges, including the threat of terrorism. Recent atrocities had jeopardized fragile peace processes, aiming to subvert the democratic process. His Government remained determined to counter that threat and the recent summit at Sharm-el Sheikh had demonstrated the international community's determination to take joint effective action to combat terrorism and its threat to peace and democracy.

16. Democratization was inseparable from the protection of human rights, since it was through the democratic process that Governments could be held to account by their own citizens. Democracy remained the best guarantor of human rights and fundamental freedoms and the United Nations should redouble its efforts to encourage democracy to take root and flourish. His delegation thus fully supported the practical help that the United Nations could give, ranging from electoral assistance to measures designed to enhance the rule of law.

17. Where the enforcement of human rights was concerned, the Commission and its procedures were of consummate importance. Effective progress in human rights promotion largely depended on the willingness of Governments to cooperate constructively with the special rapporteurs and working groups by replying fully and punctually to any allegations and allowing the rapporteurs unfettered access when they visited. That, unfortunately, was not always the case. It was also shocking to note the continuing reports of intimidation of and reprisals against private individuals and groups who sought to cooperate with the Commission and its representatives.

18. Field operations were also a crucial part of enforcement. The ability of the United Nations to place human rights monitors in crisis situations exemplified the kind of preventive diplomacy in which it was increasingly

involved. The international community should learn from the experience gained in the crises of Rwanda and the former Yugoslavia and ensure that the deployment of monitors elsewhere was even more effective in the future. The presence of human rights monitors in former conflict zones often gave refugees the confidence to return. When there was a human rights element in peace-keeping operations, the link between peace and human rights was firmly established.

19. In that context, following the urgent appeal by the High Commissioner for Human Rights, his Government would make an immediate payment of one million pounds as a further contribution to the field operation in Rwanda, bringing its total bilateral contributions to £3.25 million and demonstrating the importance that it attached to field operations in general and the Rwanda programme in particular.

20. He congratulated the High Commissioner on his work and particularly on his valuable contribution to implementing the human rights aspects of the Dayton Agreement. It was also important to strengthen the operations of the Centre for Human Rights, despite the financial crisis besetting the United Nations as a whole. In that connection, he strongly endorsed the High Commissioner's restructuring efforts. The High Commissioner's recent proposal to establish a general voluntary fund in support of the activities of the Centre for Human Rights was a very good idea.

21. His Government's support for the United Nations human rights system was clear from its participation in the work of the intergovernmental bodies concerned. It commended the work of the Commission on the Status of Women, whose recent session had launched the vital process of implementing commitments made at the Fourth World Conference on Women, since it attached great importance to the United Nations campaign to make equality for women a reality. It was in that spirit that it had put forward its candidature for membership of the Commission on the Status of Women.

22. The rule of law was the bedrock of any system by which human rights were protected. The United Nations could provide the statements of broad principle but it was for the States themselves to implement those principles, not only by ratifying the human rights instruments but also by giving them concrete expression in their laws and practice. It was the supremely difficult annual task of the Commission to bridge the gap between principle and practice. In that task it was greatly helped by non-governmental organizations (NGOs) which were often uniquely well-placed to monitor compliance.

QUESTION OF THE REALIZATION IN ALL COUNTRIES OF THE ECONOMIC, SOCIAL AND CULTURAL RIGHTS CONTAINED IN THE UNIVERSAL DECLARATION OF HUMAN RIGHTS AND IN THE INTERNATIONAL COVENANT ON ECONOMIC, SOCIAL AND CULTURAL RIGHTS, AND STUDY OF SPECIAL PROBLEMS WHICH THE DEVELOPING COUNTRIES FACE IN THEIR EFFORTS TO ACHIEVE THESE HUMAN RIGHTS, INCLUDING:

(a) PROBLEMS RELATED TO THE RIGHT TO ENJOY AN ADEQUATE STANDARD OF LIVING; FOREIGN DEBT, ECONOMIC ADJUSTMENT POLICIES AND THEIR EFFECTS ON THE FULL ENJOYMENT OF HUMAN RIGHTS AND, IN PARTICULAR, ON THE IMPLEMENTATION OF THE DECLARATION ON THE RIGHT TO DEVELOPMENT;

(b) THE EFFECTS OF THE EXISTING UNJUST INTERNATIONAL ECONOMIC ORDER ON THE ECONOMIES OF THE DEVELOPING COUNTRIES, AND THE OBSTACLES THAT THIS REPRESENTS FOR THE IMPLEMENTATION OF HUMAN RIGHTS AND FUNDAMENTAL FREEDOMS (item 5 of the provisional agenda) (continued) (E/CN.4/1996/22, 23, 106, 113 and 140; E/CN.4/1996/NGO/2, 3, 7, 8, 10, 14 and 15; E/CN.4/Sub.2/1995/12 and 15)

QUESTION OF THE REALIZATION OF THE RIGHT TO DEVELOPMENT (item 6 of the provisional agenda) (continued) (E/CN.4/1996/10, 24, and 25; E/CN.4/1996/NGO/1, 8 and 11; E/CN.4/1995/11, 21 and 27)

STATUS OF THE INTERNATIONAL COVENANTS ON HUMAN RIGHTS (item 13 of the provisional agenda) (continued) (E/CN.4/1996/75, 76 and 96)

EFFECTIVE FUNCTIONING OF BODIES ESTABLISHED PURSUANT TO UNITED NATIONS HUMAN RIGHTS INSTRUMENTS (item 14 of the provisional agenda) (continued) (E/CN.4/1996/77 and 87; A/50/505)

23. Ms. HEVESI (Hungary) said it was encouraging that an ever-increasing number of States had acceded to the International Covenants on Human Rights and their optional protocols, in particular the first Optional Protocol, which provided a mechanism by which citizens could remind Governments of their treaty obligations. At the same time, however, reservations to treaties, particularly those that were incompatible with the object and purpose of the treaty, called into question the commitment of the States making such reservations and constituted a serious obstacle to the implementation of the treaty provisions. Treaty bodies should make it clear that certain reservations were incompatible with treaty law.

24. It was important to streamline reporting procedures and generally improve the efficiency of the entire system of treaty monitoring. The same inquiries were sometimes made by more than one treaty body, and the absence of a mechanism for exchanging information among those bodies meant that States were overburdened with reporting requirements.

25. The shortcomings of the treaty-monitoring system should never excuse the late submission of reports. In that regard, she welcomed the practice of certain treaty bodies of considering the situation in States parties even if they failed to submit reports on time. The practice of requesting additional reports and information should be encouraged, particularly in cases of massive violations of human rights.

26. Her delegation welcomed the recent decision of the Committee on the Elimination of Racial Discrimination (CERD) to offer its good offices to the Government of Bosnia and Herzegovina with a view to promoting understanding among ethnic groups, and its decision to establish a working group to contribute to a future constitutional conference in Rwanda. It urged other treaty bodies to adopt similar innovative approaches.

27. Her Government endorsed the view of the most recent Meeting of persons chairing human rights treaty bodies that future optional protocols to international human rights instruments should contain provisions of a preventive character and provisions relating to recourse or inquiry procedures. A number of treaty bodies had recently taken steps towards elaborating early-warning measures and urgent procedures, and such actions were to be commended. Her delegation also agreed that the United Nations High Commissioner for Human Rights should avail himself of the expert knowledge and advice of the treaty bodies.

28. In its deliberations, decisions and resolutions, the Security Council must take full account of the obligations of States under the human rights instruments. It should pay increased attention to serious, systematic and widespread violations of human rights, which could signal political instability and might represent potential threats to peace and security. The treaty bodies should take concerted action in response to massive violations of human rights, including bringing such violations to the attention of the High Commissioner, the Secretary-General and the competent organs and bodies of the United Nations. Policy decisions at all levels of the United Nations system should take such information into account.

29. She welcomed the increased cooperation, including the exchange of information, between the treaty bodies and the Commission's special rapporteurs. She endorsed the recommendation by the Sixth Meeting of chairpersons that the flow of information from NGOs to the treaty bodies should be promoted and that the NGOs should be allowed to participate in their work.

30. Her delegation supported the call by the chairpersons for more effective integration of human rights into all United Nations activities. Like many others, it was concerned at the lack of adequate financial and human resources for the treaty bodies and hoped that the appropriate budgetary resources could be provided.

31. Mr. ZHANG Jun (China) said that the international community was still faced with the difficult and urgent task of promoting and protecting economic, social and cultural rights which, along with the right to development, were essential to the full enjoyment of human rights. Poverty was still widespread in many parts of the world. The number of poor had increased considerably, not only in the developing world but also among disadvantaged groups in the developed countries. The adverse effects of poverty on the enjoyment of human rights and fundamental freedoms had been noted by the Special Rapporteur on human rights and extreme poverty of the Sub-Commission on Prevention of Discrimination and Protection of Minorities.

32. It was regrettable that efforts made within the Commission to promote economic, social and cultural rights and the right to development had met with numerous obstacles. Of the 33 special rapporteurs appointed by the Commission, only one dealt with the issue of economic, social and cultural rights. Of the 93 resolutions adopted at the previous session, only seven were directly related to those rights. Certain self-proclaimed defenders of human rights had refused to recognize the right to development as a basic human right and had attempted to reduce the amount of time spent by the Commission on such matters. Those countries condemned the developing countries for violations of human rights; interfered in the internal affairs of other countries, undermining their political stability; dumped toxic waste in other countries, hindering their development; and ignored the reasonable requests of the developing countries to reduce foreign debt and reform the unjust international economic order.

33. Controlled by a small number of countries, the Commission had been unable to devote proper attention to the right to development. He appealed to the Commission to rectify that situation and to treat all categories of human rights in a fair and equal manner. The Commission must help to create a political environment that was favourable to the realization of the right to development.

34. His delegation was in favour of establishing a new mechanism for the implementation of the right to development. Such a mechanism would help eliminate international obstacles to development and play a coordinating role in international economic and political relations.

35. His Government, while aware of the need to ensure civil and political rights, considered economic development to be a top priority and was thus endeavouring to ensure economic, social and cultural rights, including the right to development. Its approach had obviously been successful: the Chinese economy was showing sustained, rapid and healthy growth and the standard of living had markedly improved.

36. Mr. YIMER (Ethiopia) said that the international community had, on many occasions, reaffirmed the right to development as a universal and inalienable right and as an integral part of fundamental human rights, thus making it a generally accepted norm. To honour their commitment, Governments should ensure equal access to development by all individuals; while the international community should do everything possible to assist Governments in attaining that goal. Emphasis should be placed on the interdependence of development, democracy, human rights, the environment and equitably shared growth and on the human person as the core of an integrated approach to development.

37. Democracy and the promotion of all categories of human rights were prerequisites for national development. One of the major obstacles to the realization of the right to development was the exclusion of individuals and groups from national decision-making processes. At the international level, developing countries should participate in the elaboration of economic policy. The current economic environment, including structural inequalities, external debt burdens, protectionism, deteriorating terms of trade and declining aid flows, was hardly conducive to the realization of the right to development.

38. The international community had to help the developing countries overcome the immense challenge of poverty and help create the conditions for development. More precisely, it must develop strategies to deal with the external debt problem, provide additional and predictable resources, take measures to reduce or eliminate restrictive trade practices and assist the developing countries to establish the institutional mechanisms required for the effective implementation of the Uruguay Round. For their part, the developing countries must contribute by granting priority to development and establishing development programmes.

39. His delegation endorsed the recommendation contained in the final report of the Working Group on the Right to Development (E/CN.4/1996/24) that an intergovernmental group of experts should be established to elaborate a global strategy for the promotion of the full realization of the right to development. It was to be hoped that the Commission on Human Rights would adopt a draft resolution on that issue by consensus.

40. His Government was convinced that democracy was the key to socio-economic progress. Aware that democracy and human rights could not be ensured unless poverty was eliminated, it had been taking measures to improve the standard of living in Ethiopia. The legacies of the previous regime were not easy to overcome: the transition to a market economy and the decentralization of power had required enormous efforts. Nevertheless, his Government had managed to adopt a five-year programme for development, peace and democracy and to institute economic policy based on agriculture-led industrialization and the development of human resources. Overall, its goal was to give all people access to development, in accordance with the principles enshrined in its Constitution.

41. Mr. EKRA (Côte d'Ivoire) said that his Government was patiently building a society of progress and well-being for each and every citizen and had adopted a number of measures to promote human rights including the ratification of human rights instruments, the appointment of three high commissioners to address the problem of regional disparities, welfare funds for the most vulnerable members of society, a reform of the educational system with increased funding and a Constitutional Council to guarantee the transparency of elections. Its current aim was to achieve double-digit growth so as substantially to improve the country's standard of living.

42. His Government could, however, do much more to improve the country's social and political situation were it not constrained by the high external debt and the need for structural adjustment measures. The implementation of the Declaration on the Right to Development thus required greater cooperation and solidarity on the part of the international community. In particular, the negative financial flows from the South to the North, particularly the international financial institutions, would have to be redressed. Those institutions should, as part of the reform of the United Nations system, make the appropriate adjustments necessitated by the extraordinary changes in the world economic environment and engage in greater consultation with all the principal actors on the international scene.

43. More innovative channels needed to be explored if the international community wished to assist the developing countries to escape from the vicious

debt circle. It was high time that the United Nations accorded to the right to development the same weight and importance as civil and political rights. In that regard, an agenda for development would be a vital link in enhancing the Organization's efficiency in that area and strengthening the coordination of activities between the various agencies. The Commission, as the United Nations body responsible for the protection and promotion of human rights, should make a more vital contribution to the implementation of the measures adopted by the United Nations in the area of development and social progress, the area in which the international community could promote genuine and effective enjoyment by all countries of fundamental human rights. The establishment within the Centre for Human Rights of a unit responsible for monitoring the follow-up to the Declaration on the Right to Development and its implementation was thus most welcome.

44. Mr. WALDEN (Observer for Israel) said that the United Nations system needed an institution in which human rights concepts would be treated as having a precise legal content rather than being just empty rhetoric. The investigation of State compliance with the provisions of human rights treaties should be entrusted to experts whose impartiality was beyond question, and who commanded the confidence of those States which submitted to their jurisdiction. The treaty bodies were not technically tribunals, of course, but they must manifest a commitment to due process and the rule of law.

45. In view of the importance of the treaty system, it was imperative to ensure that genuine universality was achieved and not a mere semblance of it. As previous speakers had pointed out, instruments of ratification or accession were frequently accompanied by reservations so far-reaching as to be incompatible with the purpose of the convention in question. Toleration of such reservations was very dangerous. Quality should be preferred to quantity. It was to be hoped, therefore, that the International Law Commission would be able to develop adequate principles to ensure that States did not ratify or accede to conventions without any intention of taking them seriously.

46. The goal of international supervision of human rights standards should be pursued with vigour but the international community must not complacently assume that the treaty bodies, as currently operating, had achieved the aims that it had set itself. While some States might have genuine difficulty in fulfilling their reporting commitments, and might need assistance, failure to submit reports or the submission of inadequate, superficial or mendacious reports should not be tolerated.

47. Mr. DRZEWICKI (Observer for Poland) said that, in accordance with the principle of indivisibility and interdependence of human rights, human rights bodies must promote an integrated approach within their mandates. Social, economic and cultural rights could not have an inherently weaker status than political and civil rights. Such rights should be paid more attention than they had so far, as should the right to development. Social and economic injustice and inequality throughout the world served as indicators of threats, not only to national and local stability, but also to international peace and security.

48. Following the Vienna Declaration and Programme of Action, a set of measures should be adopted to strengthen the enjoyment of economic, social and cultural rights. To that end, the Committee on Economic, Social and Cultural Rights was commendably developing its capacity to deal with both legal and extra-legal aspects of such rights. Further efforts must be made to define certain minimum obligations of States that corresponded to the core content of economic, social and cultural rights. National and international case-law on socio-economic rights had demonstrated that several aspects of those rights were amenable to direct applicability, including judicial enforcement.

49. The Committee on Economic, Social and Cultural Rights should continue to examine ways of improving its methods of work, including arrangements for dealing with communications from individuals and groups. The Committee had not yet exhausted its opportunities for engaging in a more adversarial dialogue with the social partners. It should also be encouraged to consider the elaboration of joint or coordinated general comments with other treaty bodies. Regrettably, the Committee remained unable effectively to perform its task of considering reports submitted by the contracting parties. Those operational weaknesses must be remedied.

50. His delegation appreciated the contribution made by the Working Group on the Right to Development to the identification of obstacles to the enjoyment of that right. The highest responsibility for the implementation of that right rested with the States themselves, but the international community should effectively cooperate to eliminate the obstacles to development. Structural adjustment programmes could not be separated from the adoption of social safety nets without generating further social injustice. The European Union's approach, by which it linked international trade with human rights in its agreements with developing countries, was a commendable one. Above all, it should never be forgotten that human rights were a reflection of the demands of human dignity.

51. Mr. MAJDI (Observer for Morocco) said that the growing interest in ensuring enjoyment of the right to development was encouraging, but it would be even better if such interest showed itself in specific action. Unfortunately, 10 years after the adoption of the Declaration on the Right to Development, the situation was discouraging. The list of least developed countries was growing rather than diminishing. Official development assistance, was currently only some 0.35 per cent of GNP. Every year, the developing countries' debt-servicing transfers amounted to 5 per cent of their gross domestic product, equivalent in some cases to 80 per cent of their export earnings. That endangered the right to life of large communities.

52. Clearly, implementation of the right to development was the responsibility of States, but their efforts needed the support of the international community. A long-term strategy based on mutual respect among nations, better equality of opportunity for the individual and more democratic, just and equitable international commercial and financial structures was required if the right to development was to be realized. It was also necessary to ensure consultation, dialogue and coherence of economic policy both at the national level and in the competent international institutions in order to achieve a well-thought-out reform of world markets to the benefit of all.

53. With the end of the cold war and the broadening of political and economic freedoms, mankind had a unique opportunity to break with past practices. The time had come to reach an understanding on development that would enable individual and collective rights to be implemented and the human being placed at the forefront of national priorities and international cooperation.

54. Mr. HASSAN (Observer for the Sudan) said a number of international conferences had reaffirmed the fact that international cooperation grounded in respect was a prerequisite for the realization of the right to development. The documents before the Commission attested to a need for redoubled efforts to overcome the obstacle represented by poverty and revealed that economic, social and cultural problems were interdependent.

55. An increasing number of least developed countries had populations living below the poverty line. About 25 years previously, the international community had made a commitment to allocate 0.7 per cent of GNP for official development assistance to the least developed countries, but that promise had not been fulfilled. He called upon the international community to further the realization of economic, social and cultural rights, and particularly the right to development.

56. A growing level of external debt and the heavy burden of debt-servicing represented major obstacles to the real enjoyment by developing countries of the right to development and related rights. The efforts made to alleviate the debt burden fell far short of what was needed, the more so as such efforts were often applied selectively, to some countries only. His delegation thus welcomed the report of the Secretary-General (E/CN.4/1996/22), which referred to measures intended to aid both creditor and debtor countries in launching a constructive dialogue. It hoped that that dialogue would take place in an international conference or at a special session of the General Assembly devoted to resolving the debt problem.

57. The development status of poor countries derived from the unjust nature of the international trading system. The least developed countries must thus be assisted to take advantage of that system so that they could meet their commitments. They had been adversely affected by structural adjustment measures, trade reforms and a drop in the prices of raw materials and were often compelled to pay high prices to import food. The least developed countries, especially the net importers of foodstuffs and commodities, should call on their partners in the industrialized world to end discrimination against countries that were excluded from the international system.

58. His delegation endorsed the report of the Working Group on the Right to Development (E/CN.4/1996/24) but noted that differing scenarios were envisaged for the participation of some developing countries in certain actions. He wished to remind the Commission that, according to the Declaration on the Right to Development, countries were free to decide on their own political systems and the paths they would follow to achieve development. It was inappropriate, therefore, to implement punative measures such as imposing economic blockades with the aim of starving a country into submission to imposed norms.

59. His own Government had made efforts to strike a balance between economic, social and cultural rights and other rights, despite natural disasters, conflicts and domestic strife. A national conference had been convened to try to devise an overall strategy, and plans had been prepared focusing on individuals as a means of giving them every opportunity to enjoy the essential rights set out in legislation, especially Muslim legislation. The conference had also promoted broad grass-roots participation. All those efforts were aimed at ensuring the involvement of Sudanese citizens in the economic and social life of their country.

60. Mr. Vassylenko (Ukraine), Vice-Chairman, took the Chair.

61. Mr. BRAND (International Movement ATD Fourth World) said that families living in extreme poverty and organizations like his own that worked alongside them had welcomed the proclamation of the International Year for the Eradication of Poverty. In deciding to celebrate that year, the United Nations had once again stressed the link between the struggle against extreme poverty and efforts to ensure that human rights were enjoyed by all. The Commission should allocate a separate agenda item to the International Year and to the upcoming decade for the eradication of poverty.

62. The second interim report of the Sub-Commission's Special Rapporteur on human rights and extreme poverty (E/CN.4/Sub.2/1995/15) drew attention to grave weaknesses in the statistics on extreme poverty, made the most serious attempt to date to define extreme poverty, and involved those living in extreme poverty in investigation of the issue. The Special Rapporteur should be invited to propose ways of following up his study so as to pursue the partnership established with persons living in extreme poverty. The Commission would also, he hoped, invite all United Nations bodies to take account of the link between the elimination of extreme poverty and the realization of human rights in their activities connected with the International Year and decade and, in carrying out those activities, to encourage the participation of individuals living in extreme poverty.

63. Mr. FERNANDEZ (International Organization for the Development of Freedom of Education) said that, although the objectives outlined in the final document of the World Summit for Social Development at Copenhagen signalled a renewed interest in economic, social and cultural rights, little progress had been made in ensuring the enjoyment of those rights. Joint efforts should thus be made to ensure the enjoyment of economic, social and cultural rights, efforts in which education had a decisive role to play.

64. Governments and the social partners must realize that education was a catalyst for development and educational systems must be modified so as to promote innovation, autonomy and liberty. More generally, a forum for discussion on economic, social and cultural rights should be convened both to promote intellectual reflection on the nature of those rights and to search for practical ways of implementing them.

65. Ms. BRIDEL (Zonta International), after stating that she was speaking on behalf of the more than 20 members of the Fourth World NGO Committee, recalled that both the World Conference on Human Rights and the World Summit for Social Development had drawn attention to the need to associate the very poor with

efforts to improve their standard of living. In order to do so, it was necessary to identify the very poor and to establish relations of trust with them, a task which NGOs were eminently qualified to perform.

66. In that connection, NGOs were awaiting with great interest the publication of the final report on human rights and extreme poverty by the Sub-Commission's Special Rapporteur on the subject and the UNICEF study on how to reach the very poor, both of which should be widely distributed. She urged the development of global policies that gave priority to the elimination of extreme poverty, were designed to achieve the full realization of human rights for all, and took into account the information provided in the two reports she had mentioned as well as the views of the very poor themselves. It was essential that such global policies should be taken into account when general economic and social development policies were being prepared and implemented. Moreover, in defining extreme poverty, Governments should take into account the effective level of enjoyment of human rights by the very poor and their capacity to assume their social, civic and family responsibilities, as well as the links between poverty and extreme poverty.

67. Ms. ARIF-BERRYMAN (International League for the Rights and Liberation of Peoples) said that the embargo imposed upon Cuba for more than 36 years by the Government of the United States of America, infringed article 31 of the Vienna Declaration and violated fundamental human rights by depriving the Cuban people of basic products essential for nutrition, health and education. As a result of that embargo, the physical and mental health of the Cuban people had deteriorated. For example, although Cuba still had its specialized doctors, staff and hospitals, surgery had been restricted by a lack of medical equipment and post-operative treatments could not be assured because of a lack of medicines.

68. The Helms-Burton Bill both worsened the situation of the Cuban people to an unbearable extent and undermined the sovereignty of third countries. According to preliminary estimates, the total cost of the embargo in 1994 had amounted to about 50 per cent of Cuba's total imports. The international community could not allow a single State to condemn the entire population of another to an extreme state of need in violation of the principles of international law. Embargoes, blockades and sanctions did not, for the most part, affect the targeted leaders but harmed the most vulnerable segments of the population.

69. Mr. PARY (Movement against Racism and for Friendship among Peoples) said that the relentless globalization of the world economy had had harmful effects on the developing countries. The new economic order, based on neo-liberalism, constituted a major obstacle to the protection of the environment and to sustainable development and had worsened the economic, political and moral crisis of the poorest countries. In particular, the merciless application of the law of supply and demand had had deadly effects on the survival of the traditional methods of production practised by indigenous peoples and historic communities in underdeveloped countries might well be extinguished.

70. Except in the case of Cuba, those considerations were particularly true of Latin America. Economic, social and cultural rights could be realized and

the environment protected only if an end were put to unceasing economic growth, the accumulation of capital and the idea that profits must be made at all costs.

71. In Bolivia, for instance, neo-liberal formulas were leading to a marginalization of the native population and causing unemployment, an exodus from the countryside and general destitution. Traditional collectivist methods of production were being eliminated as obstacles to capitalist development.

72. Given the role played by the Bretton Woods institutions in the pauperization of the developing countries and the unjust, unequal and anarchic development of the world economy, the Commission should recommend States to engage in a radical review of the international monetary system to ensure that free and sovereign development was combined with democracy and human rights.

73. Mr. BANDIER (United Towns Agency for North-South Cooperation) said that tens of millions of people were still living in subhuman conditions while the natural resources of the planet, if properly managed, could provide a decent living for all. The solution was to organize a world summit conference on development problems with a view to eradicating all the forms of social inequality that lay at the root of conflicts of whatsoever kind.

74. If current trends continued, the world would become an unbearable place in which ignorance and corruption endangered the very foundations of civilization and respect for nature and traditional human values was lost. In fact, economic, social and cultural rights could be exercised only through the implementation of measures to secure global development, with the active participation of all mankind. To that end, his organization intended to cooperate as closely as possible with all international and intergovernmental organizations at every level.

75. Ms. LIM (Asian Cultural Forum on Development), speaking specifically on behalf of one of the Forum's affiliates - People's Solidarity for Participatory Democracy, said that rapid economic development was usually achieved at the expense of the rights of the individual, leading to irreversible social disintegration and marginalization. The right to self-determination covered not only the right to combat colonization and domination by foreign powers but also the right of individuals to participate and exercise their economic, social, cultural, civil and political rights. Full respect for the rights contained in the International Covenant on Economic, Social and Cultural Rights was inextricably linked to the process of development, the central purpose of which was the realization of the potentialities of the human person in harmony with the effective participation of all members of society in relevant decision-making processes. In the light of that affirmation, the current structure of the world economy must be regarded with great scepticism.

76. The Republic of Korea was a good example of what was happening. Its export-oriented industrialization was often cited as a new development model and as grounds for placing economic development above human and social development. However, its stunning short-term economic growth rates were accompanied by the failure of sustainable agriculture, food insecurity, an

increase in ecological and social costs, the spread of corruption, a rise in crime rates, and rapid social disintegration. The harsh reality was that the development model represented by the Republic of Korea had led to the social exclusion of the non-privileged classes, a fragmented society and difficulties in forging a consensus on policies.

77. Her organization therefore requested the Commission to note that rapid economic development did not necessarily guarantee people-centred development and popular democracy and that, without the full guarantee of economic and social rights, the people's right to participation in the democratic process could never be realized.

78. Ms. GIRMA (African Association of Education for Development) said that the realization of economic, social and cultural rights in Africa was becoming increasingly difficult because of the resurgence of ethnic hatred and the resulting conflicts. The international community was concerned about the catastrophic consequences of ethnic-based politics in many African countries but the appropriate lessons had not been drawn. Much had been said about detecting early-warning signs, but nothing had yet been done.

79. Once cross-ethnic institutions became weakened, social and economic rights could not be attained and development projects could not be implemented. The enjoyment of social, cultural and economic rights was only a dream in countries where the necessary minimum political conditions had not been met. More and more people were excluded and could not defend their livelihood. In many African countries, therefore, violence ended up by becoming the only means of addressing social and political grievances in the absence of any possibility of resolving problems through dialogue.

80. Where ethnic antagonism was a dominant factor, structural adjustment programmes became a pretext for the eviction of capable elements so as to ensure the domination of the ethnic group in power. One region or one area received all the attention, whereas the others were completely neglected. Ethnic hatred festered because of such practices, and another cycle of revenge and destruction was prepared. Because of disaffection and micronationalism the most skilled and well-educated elements left the country.

81. Education was affected when organizations such as teachers' associations were dismantled. Integral human development became impossible because energy was squandered on destructive propaganda and repression. Ethnic strife and civil conflict threatened regional and international peace and disrupted the cohesion of societies and the integrity of States, sometimes destroying in a few months the progress that had been achieved over decades.

82. Her association supported the recommendations of the Working Group on the right to development and hoped that it could continue to remain open-ended and thus allow of a wide participation.

ORGANIZATION OF THE WORK OF THE SESSION (item 3 of the provisional agenda) (continued)

83. The CHAIRMAN announced that, after consultations, it had been decided that the subject of toxic waste was to be considered under item 5 of the provisional agenda.

The meeting rose at 12.55 p.m.